

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)
Plaintiff,)
v.) C. A. No. 05-486 (GMS)
Defendant.) JURY TRIAL DEMANDED
THE TORO COMPANY,)
Defendant.)

NOTICE OF VIDEOTAPED DEPOSITION OF DON LACKNER

To: The Toro Company and its attorneys:

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80 South 8th Street
Minneapolis, MN 55402

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1313 N. Market Street
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PLEASE TAKE NOTICE that Plaintiff, Textron Innovations Inc., will take the deposition by oral examination of Kevin Conry commencing on **October 13, 2006**, beginning at **9:00 a.m.** at the offices of Frederikson & Bryon, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota or at some other place mutually agreed upon by counsel.

Said deposition will be taken by stenographic and videographic means before a notary public and will continue from day to day as necessary until completed.

This Notice serves as formal notice of the deposition informally noticed on September 27, 2006.

Dated: September 28, 2006

THE BAYARD FIRM



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